



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/019,788

01/04/2002

Gilles Lebouill

11345/042001

7677

22511

7590

09/15/2006

OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

TO, BAOTRAN N

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/019,788	<b>Applicant(s)</b> LEBOUILL, GILLES	
	<b>Examiner</b> Bao tran N. To	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 29-30 is/are pending in the application.  
     4a) Of the above claim(s) 15-17, 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-22, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action responds to the applicant's amendment filed on 06/23/2006.

Claims 1 and 18 are amended.

Claims 14-17, 23-25 are withdrawn.

Claims 26-28 are canceled.

Claims 1-13, 18-22, 29 and 30 remain for examination.

### ***Response to Arguments***

2. Applicant's arguments filed 06/23/2006 have been fully considered but they are not persuasive.

- 3.

As per remark on page 9 bullet i, Examiner believes that the Applicant had made a mistake arguing a limitation that White, the prior art, teaches, but does not read on the claim limitation ("*White fails to disclose or suggest that the unique customer ID is associated with a subscription to broadcast service*"). However, Examiner believes that the Applicant had misinterpreted the White's teaching completely. As argued, White does not teach "*the unique identifier is based on that subscription*" (such as broadcast services). Nevertheless, as cited in Col 7 lines 58-60, White teaches clearly "*The customer ID 615 is an identifier such as a serial number that uniquely identifier a particular user of the WebTV service*". The WebTV service is the subscription.

Applicant argues, "The Applicant respectfully asserts that White does not teach or suggest a unique identifier associated with a receiver/decoder that is based on the receiver/decoder's subscription to broadcast services."

Examiner respectfully disagrees with this argument. White explicitly discloses "In this example, each record in the customer database 540 includes a silicon ID 605, a collection of subscriber information 610, a customer ID 615, a username 620, a password 625, a SmartCard ID 630, a SmartCard password 635. As discussed above, the silicon ID 605 is an identifier such as serial number that uniquely identifier a particular WebTV box 10. Because multiple users may share a WebTV box 10, in this embodiment, there is a one-to-many relationship between the silicon ID 605 and the fields associated with a particular user. The subscriber information 610 may include such information as administrative and billing data for a particular user including the user's real name, credit number, the user's address and phone number, etc. The customer ID 615 is an identifier such as a serial number that uniquely identifier a particular user of the WebTV service" (See Figure 6A and col. 7, lines 43-60).

Applicant further argues, "White fails to disclose or suggest that the unique customer ID is used to authenticate communication between a receiver/decoder and a gateway that provides the receiver/decoder with access to a network."

Examiner respectfully disagrees with this contention. White clearly discloses, "Web TV server 5 may provide a number of services such as a setup service 510, a log-

Art Unit: 2135

in service 155, a favorites service 520, and mail service 525. Each service may be associated with one or more persistent databases where customer information may be stored such as customer preferences related to the particular service" (col. 5, lines 29-34). White further discloses, "The customer database 540 may store various information pertaining to each authorized user of a client 1 such as a unique customer id, and other information used to control certain features relating to access privileges and capabilities of the user. This information may be used to regulate initial access to the WebTV service during the establishment of user session, as well as to facilitate access to the individual services provided by the WebTV service" (col. 5, lines 50-58).

For at least the above reasons, it is believed that the rejection is sustained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (U.S. Patent 5,983,273) herein referred to as White.

Regarding Claims 1 and 18, White discloses a method of authenticating communication between a receiver/decoder (WebTV client) and a remote server (WebTV server) for providing access to a network (col. 3, lines 5-20), the method comprising:

authenticating the communication using a unique identifier (identification information) that identifies the receiver/decoder (col. 2, lines 5-10), wherein the unique identifier is based on a subscription for broadcast service of the receiver/decoder (WebTV service) (col. 5, lines 50-58 and col. 7, lines 43-60),

wherein the receiver/decoder indirectly accesses the network via a gateway (WebTV server) interposed between the receiver/decoder and the remote server (Figures 1 and 5, col. 5, lines 29-58), and wherein the identifier authenticates the communication with the gateway (col. 5, lines 29-58, col. 7, lines 45-67, and col. 8, line 1).

Regarding Claim 2, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is stored on a removable component (smartcard) of the receiver/decoder (col. 4, lines 5-20).

Regarding Claim 3, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is independent of a network login identifier for the receiver/decoder (col. 7, lines 8-20).

Regarding Claim 4, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the identifier is based on a number unique (id) to a smartcard for use with the receiver/decoder (col. 4, lines 5-10).

Regarding on Claim 5, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server is for accessing the internet (Fig. 1, col. 3, lines 33-35).

Regarding Claim 6, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server is an internet account management system (col. 5, lines 30-35).

Regarding Claim 7, White discloses the limitations as discussed in Claim 6 above. White further discloses wherein an internet account for a user is established by the internet account management system using the identifier of the receiver/decoder (col. 5, lines 50-55).

Regarding Claim 8, White discloses the limitations as discussed in Claim 7 above. White further discloses wherein the identifier of the receiver/decoder is compared by the internet account management system with a stored list of identifier of receiver/decoders which may establish internet accounts (col. 5, lines 28-35).

Regarding Claim 9, White discloses the limitations as discussed in Claim 7 above. White further discloses wherein the remote server comprises means for sending data to an internet service provider and wherein said method comprises the steps of providing details of the internet account to the internet service provider to establish a bi-directional data pathway (bi-directional data connection 29) between the receiver/decoder and the internet service provider (remote server) (Fig. 1,col. 3, lines 20-30).

Regarding Claims 10 and 19, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein said identifier is accompanied by data identifying a data pathway to be used for communication between the receiver/decoder and the remote server (col. 1, lines 60-65).

Regarding Claims 11 and 20, White discloses the limitations as discussed in Claim 1 above. White further discloses wherein the remote server provides the receiver/decoder with access to the network having network protocols (col. 3, lines 30-38), and data output from the receiver/decoder is converted into data compliant with the network protocols at a location remote from the receiver/decoder (col. 2, lines 5-10).

Regarding Claim 21, White discloses the limitations as discussed in Claim 1 above. White further discloses the gateway intermediate the receiver/decoder and the remote server (Figure 1 and col. 3, lines 20-48).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-13, 22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over White as applied to claims 1 and 18 above, and further in view of Shambroom (U.S. Patent 6,301,661,B1) herein referred to as Shambroom.

Regarding Claim 12, White discloses the limitations as discussed in Claim 11 above. White explicitly does not disclose wherein the data is converted into said data compliant with the network protocols by a gateway intermediate the receiver/decoder and the remote server.

However, Shambroom discloses wherein the data is converted into said data compliant with the network protocols by the gateway intermediate the receiver/decoder and the remote server (col. 2, lines 30-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the Shambroom's invention within White to include a gateway intermediate the receiver/decoder and the remote server wherein the data is converted into said data compliant with the network protocols. One

of ordinary skill in the art would have been motivated to provide the broadcasting signal in a suitable format (col. 3, lines 48-67).

Regarding Claims 13 and 22, White and Shambroom disclose the limitations as discussed in Claim 12 above. White and Shambroom further disclose wherein the network comprises a plurality of remote devices, said converted data being communicated by the gateway to one of said remote devices as specified in said data thereby establish a communication channel between the receiver/decoder and the specified remote device (Shambroom, col. 2, lines 55-65).

Regarding Claim 29, White and Shambroom disclose the limitations as discussed in Claim 13 above. White and Shambroom further disclose wherein a message instructing termination of the communication channel is communicated from the receiver/decoder to the gateway using the non-internet protocol, the gateway in turn communicating a termination command to the specified remote device using the internet protocol (Shambroom, col. 8, lines 25-45).

Regarding Claim 30, White and Shamroom disclose the limitations as discussed in Claim 12 above. White and Shambroom further disclose wherein the identification of the receiver/decoder is authenticated by the gateway before the communication channel is established (Shambroom, col. 2, lines 30-45).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTT  
09/05/2006



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100